THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 23498 of 2007

Date:06-11-2007

Between:

Nagireddy Sarojini Devi

…Petitioner

AND

The District Collector, Kadapa and four others

..

Respondents

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ORDER:

The petitioner seeks a writ of mandamus directing the respondents not to dispossess him from the lands in Sy.Nos.169/4 to an extent of Ac.2.25 cents and Sy.No.169/5 to an extent of Ac.2.18 cents of Putlampalli village, Kadapa mandal and District, pending appeal before the Revenue Divisional Officer.

It is the case of the petitioner that the Tahsildar, Kadapa passed orders, dated 11.05.2007 in Ref.B.1655/06 resuming the assigned lands assigned in favour of the petitioner to an extent of Ac.4.40 cents in Sy.Nos.169/4 and 169/5 situated at Putlampalli village, Kadapa mandal and District on the ground that the assignee/petitioner herein violated the conditions of the assignment DKT patta No.208/94 and accordingly ordered for resumption of the said land directing to take physical possession.

The aforesaid resumption orders of the Tahsildar, Kadapa are appealable under Section 4A(1) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for the short 'the Act') within 90 days from the date of receipt of a copy of the order. But, the Tahsildar in his orders stated that the appeal lies within 30 days only contrary to Section 4A(1) of the Act. However, it is stated that against the aforesaid orders, dated 11.05.2007, the petitioner filed an appeal on 11.06.2007 along with the application for grant of stay. But, the Revenue Divisional Officer has not considered and disposed of the stay petition.

Having regard to the facts of the case, the writ petition is

disposed of directing the third respondent/Revenue Divisional Officer to consider and dispose of the appeal filed by the petitioner against the order of the 4th respondent in proceedings Ref.No.B-1655/2006, dated 11.05.2007 and pending disposal of the appeal, the petitioner shall not be dispossessed by maintaining status-quo as on the date of passing of the order on 11.05.2007. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:06.11.2007
ccm